

CHOCOLATE AND COCOA PRODUCTS*

20011. Adulteration and misbranding of chocolate malt flavored sirup. U. S. v. 4 Cases * * *. (F. D. C. No. 33677. Sample No. 36263-L.)

LABEL FILED: September 4, 1952, Northern District of Ohio.

ALLEGED SHIPMENT: On or about June 13 and July 3, 1952, by Berko Malted Milk Co., Inc., from Brooklyn, N. Y.

PRODUCT: 4 cases, each containing 24 22-ounce bottles, of chocolate malt flavored sirup at Cleveland, Ohio. Analysis disclosed that the product contained 64 percent of the declared amount of vitamin B₁.

LABEL, IN PART: "Cook Book Chocolate Malt Flavored Syrup With Vitamins B₁ D G."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, vitamin B₁, had been in whole or in part omitted or abstracted from the product.

Misbranding, Section 403 (a), the label statements "Each Ounce Contains * * * Vitamin B₁ * * * 222 USP Units" and "2 Ounces * * * Daily, Will Provide 100% of Daily Minimum Requirements of Vitamin B₁" were false and misleading since the article contained less than the declared amount of vitamin B₁; and, Section 403 (f), the statement of the quantity of the contents required by the law to appear on the label was not prominently placed thereon with such conspicuousness as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: October 2, 1952. Default decree of condemnation and destruction.

20012. Adulteration of cocoa beans and oregano leaves. U. S. v. 773 Bags, etc. (F. D. C. No. 33246. Sample Nos. 36964-L, 37269-L, 38606-L, 38608-L, 38609-L.)

LABEL FILED: May 14, 1952, Eastern District of New York.

ALLEGED SHIPMENT: On or about October 30, 1950, and November 22 and 23 and December 13, 1951, from various foreign countries.

PRODUCT: 1,820 140-pound bags of cocoa beans and 44 108-pound bags of oregano leaves at Brooklyn, N. Y., in the possession of Beard's Erie Basin, Inc.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the articles had been held under insanitary conditions whereby they may have become contaminated with filth. The articles were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: May 16 and July 1, 1952. A. C. Israel Commodity Co., Inc., New York, N. Y., claimant for the cocoa beans, and Morris J. Golombeck, Inc., New York, N. Y., claimant for the oregano leaves, having consented to the entry of decrees, judgments of condemnation were entered and the court ordered that the products be released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency.

2,877 pounds of skimmings were removed from the bags of cocoa beans and were commingled with 4,908 pounds of skimmings from the 523-bag lot and 9-bag lot of cocoa beans involved in the case reported in notice of judgment No. 20008. The commingled skimmings were screened, with the result that

*See also No. 20008.